

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

US FOODS, INC.,

Plaintiff,

v.

WILLIAM T. KANE aka BILL T. KANE, an
individual; and RONALD G. LINABURG,
D.D.S., an individual,

Defendants.

Case No.: 2-19-cv-00946-JFC

***ELECTRONICALLY FILED AND
SERVED***

STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and Court's ADR Policies and Procedures.

I. PROCESS

Select one of the following Processes:

- X Mediation
- Early Neutral Evaluation (ENE)
- Court sponsored Binding¹ Arbitration
- Court sponsored Non-binding Arbitration
- Other (please identify process and provider) _____

If you are utilizing a private ADR process, such as the American Arbitration Association, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

¹ For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at www.pawd.uscourts.gov.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for Court sponsored arbitration. For that process, costs are paid by the Court in accordance with 28 USC §658.):

1/3 % by Plaintiff, US Foods
1/3 % by Defendant, William T. Kane
1/3 % by Defendant, Ronald G. Linaburg, D.D.S.
 % by Third Party Defendant(s)

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral: The Honorable Gary P. Caruso (Retired)

Address of Neutral: 378 Donohoe Road, Greensburg, PA 15601

Telephone & FAX Numbers: T - 724/ 925-1123 / E-Fax – 412/ 202-4118

Email address of Neutral: gary_caruso@icloud.com

Date of ADR Session: To be determined [late January/early February, 2020]

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with **Section 2.7 (Attendance at Session)** of the Court's ADR Policies and Procedures:

Attorneys for Plaintiff:

Gretchen E. Moore, Esquire _____

US Foods _____
Plaintiff

Maria Z. Vathis, Esquire _____

Kathie Bullerdick, Esquire _____
In-house counsel
Corporate Representative

Attorneys for Defendant Kane:

Dennis M. Blackwell, Esquire _____

Bill T. Kane _____
Defendant

Robert O. Lampl, Esquire _____

Ryan J. Cooney, Esquire _____

Not applicable _____
Corporate Representative

Attorneys for Defendant Linaburg:

Michael Oliverio, Esquire _____

John J. Heurich, Esquire _____

Ronald G. Linaburg, D.D.S. _____
Defendant

Brian C. Thompson, Esquire _____

Not applicable _____
Corporate Representative

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.**

V. ACKNOWLEDGEMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Date: 12/9/2019 /s/ Gretchen E. Moore
Counsel for Plaintiff, US Foods

Date: 12/9/2019 /s/ Ryan J. Cooney
Counsel for Defendant, Bill T. Kane

Date: 12/9/2019 /s/ Michael Oliverio
Counsel for Defendant, Ronald G. Linaburg, D.D.S.